

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

KAMAR DURR #484773,

Plaintiff,

Case No. 1:09-cv-1116

v

HON. JANET T. NEFF

UNKNOWN HARALSON, et al,

Defendants.

OPINION AND ORDER

This is a prisoner civil rights action filed pursuant to 42 U.S.C. § 1983. Defendant filed a motion for summary judgment. The matter was referred to the Magistrate Judge, who issued a Report and Recommendation, recommending that this Court grant Defendant's motion and enter judgment for Defendant. The Report and Recommendation was duly served on the parties. No objections have been filed. *See* 28 U.S.C. § 636(b)(1). Therefore,

IT IS HEREBY ORDERED that the Report and Recommendation (Dkt 38) is APPROVED and ADOPTED as the Opinion of the Court.

IT IS FURTHER ORDERED that the Motion for Summary Judgment (Dkt 24) is GRANTED.

IT IS FURTHER ORDERED that Defendants Utter, Rider, Scott, Klee, Caruso and Howes be dismissed without prejudice for failure to timely effect service.

IT IS FURTHER ORDERED that the Motion to dismiss by plaintiff (Dkt. 30) is DENIED

IT IS FURTHER ORDERED that this Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that an appeal of this decision would not be taken in good faith. See *McGore v. Wrigglesworth*, 114 F.3d 601, 610-11 (6th Cir. 1997), overruled on other grounds by *Jones v. Bock*, 549 U.S. 199, 206, 211-12 (2007).

A Judgment will be entered consistent with this Opinion and Order.

Date: February 14, 2011

/s/ Janet T. Neff

JANET T. NEFF

United States District Judge